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9 Oracle International Corporation

10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA

12 SAN FRANCISCO DIVISION

13  
14 ORACLE AMERICA, INC., a Delaware  
corporation, and ORACLE  
15 INTERNATIONAL CORPORATION, a  
California corporation,

16 Plaintiffs,

17 v.

18 CEDARCRESTONE, INC., a Delaware  
corporation,

19 Defendant.

20  
21 CEDARCRESTONE, INC., a Delaware  
corporation,

22 Counter-claimant,

23 v.

24 ORACLE AMERICA, INC., a Delaware  
corporation, and ORACLE  
25 INTERNATIONAL CORPORATION, a  
California corporation,

26 Counter-defendants.

Case No. 3:12-cv-04626 (NC)

STIPULATION AND ~~PROPOSED~~  
ORDER SHORTENING TIME TO  
RESPOND TO ORACLE'S MOTION FOR  
RELIEF FROM CASE MANAGEMENT  
SCHEDULING ORDER AND SETTING HEARING

27

28

Case No. 3:12-cv-04626-NC

STIPULATION AND ~~PROPOSED~~ ORDER SHORTENING TIME TO RESPOND TO MOTION FOR RELIEF  
FROM CASE MANAGEMENT SCHEDULING ORDER

1 WHEREAS, on January 17, 2013, the Court entered a Case Management Scheduling  
2 Order (Dkt. 32) in this case. *See* Declaration of Geoffrey M. Howard (“Howard Decl.”) ¶ 2;

3 WHEREAS, plaintiffs Oracle America, Inc. and Oracle International Corporation  
4 (collectively, “Oracle”) filed a Motion for Relief from the Case Management Scheduling Order  
5 (the “Motion”) on July 5, 2013. *See* Howard Decl. ¶ 3;

6 WHEREAS, Oracle’s Motion requests a modification of outstanding case deadlines in  
7 this action, including the close of fact discovery currently scheduled for August 19, 2013. *See*  
8 Howard Decl. ¶¶ 2-3;

9 WHEREAS, absent an order shortening the motion schedule, Defendant CedarCrestone,  
10 Inc.’s (“CedarCrestone”) responsive pleading would not be due until July 19, 2013, Oracle’s  
11 reply pleading would not be due until July 26, 2013, and a potential hearing regarding the  
12 Motion would be scheduled for no earlier than August 14, 2013. *See* Howard Decl. ¶¶ 4-6;

13 NOW, THEREFORE, THE PARTIES HEREBY STIPULATE AND REQUEST THE  
14 COURT TO ORDER as follows: that CedarCrestone’s deadline for filing a response to Oracle’s  
15 Motion will be July 11, 2013; and that Oracle’s deadline for filing a reply pleading will be July  
16 16, 2013. The parties further request that a hearing regarding the Motion, if the Court deems  
17 such hearing necessary, be scheduled for the earliest possible date convenient to the Court.

18  
19 Dated: July 5, 2013

BINGHAM MCCUTCHEN LLP

20 BY: /s/ Geoffrey M. Howard

21 Geoffrey M. Howard

22 Attorneys for Plaintiffs  
23 Oracle America, Inc. and Oracle  
24 International Corporation

25 Dated: July 5, 2013

KEKER & VAN NEST LLP

26 BY: /s/ Daniel Purcell

27 Daniel Purcell

28 Attorneys for Defendant  
CedarCrestone, Inc.

## **ATTESTATION OF CONCURRENCE IN FILING**

Pursuant to General Order No. 45, Section X.B. regarding non-filing signatories, I hereby attest that I have obtained concurrence from counsel for CedarCrestone in the filing of this document.

Dated: July 5, 2013.

/s/ Geoffrey M. Howard

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

**10** The hearing on Oracle's Motion to Complete Discovery is scheduled for July 24, 2013 at 10:00 a.m.

11 DATED: July 9, 2013

By:

